

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:06CV346
)	
Plaintiff,)	
)	
v.)	CONSENT JUDGMENT
)	AND DECREE OF
JEFF C. STORY, et al.,)	FORECLOSURE AND
)	ORDER OF SALE
)	
Defendant(s).)	

This cause came on for determination upon the Complaint filed herein by the Plaintiff, United States of America. The Plaintiff appears by and through its attorneys, Michael G. Heavican, United States Attorney for the District of Nebraska, and Laurie M. Barrett, Assistant United States Attorney for the District. The Defendant, Southeast Nebraska Affordable Housing Council, Inc., appears by and through its attorney, James L. Haszard. The Defendant Jeff C. Story, failed to answer or otherwise appear or plead to the allegations contained in the Complaint and the Defendant is in default in this action.

THEREFORE, the Court, having examined the record of these proceedings, and having been fully advised in the premises, finds:

That the Court has jurisdiction of these proceedings pursuant to Title 28, United States Code, Section 1345;

That due and legal notice of the pendency of this action has been given;

And that the Court has acquired jurisdiction of all the parties.

And this cause coming on further to be heard on the pleadings and the evidence and being submitted to the Court, on due consideration, the Court finds:

That each and all of the allegations of Plaintiff's Complaint are true;

That Plaintiff is entitled to a Decree of Foreclosure and Order of Sale as prayed;

That the premises herein described will sell to the best advantage in one entire tract;

That there is due and owing to the Plaintiff as of August 1, 2006, the principal sum of \$82,843.28, plus accrued interest in the amount of \$6,390.11, together with interest accruing on the principal sum due at the rate of \$15.4036 per day from August 1, 2006, until the date of entry of this decree, with \$11,763.09 interest credit or subsidy subject to recapture. Interest will accrue on the total of the sums from and after the date of entry of this decree at the legal rate of 5.02 % computed daily and compounded annually until paid in full. The amount due Plaintiff as stated herein is the first lien on the following described real estate in Cass County, Nebraska, to-wit:

Lots One (1), Seven (7) and Eight (8), Block Thirty-Four (34), together with half vacated alley, adjoining thereto, and 8.5 feet of the vacated street adjoining thereto, in the City of Weeping Water, Cass County, Nebraska.

That there is due and owing to the Defendant, Southeast Nebraska Affordable Housing Council, Inc., as of August 1, 2006, the principal sum of \$15,000.00, plus accrued interest in the amount of \$332.82, together with interest accruing at the rate of \$3.698 per day from August 1, 2006 until the date of entry of this decree. Interest will accrue on the sums from and after the date of entry of this decree at the legal rate of 9 % computed daily and compounded annually until paid in full. The amount due the Defendant, Southeast Nebraska Affordable Housing Council, Inc., as stated herein is the second lien on the above-described real estate.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. The Motion for Entry of Judgment (Filing No. 11) is granted;
2. Judgment is hereby entered against Defendant Jeff C. Story;

3. The above and foregoing findings are hereby made a part of this decree and order and by this reference incorporated herein;
4. If the costs as indicated below and the several amounts above found due and interest thereon be not paid within twenty (20) days herefrom, all equity of redemption in the premises be foreclosed and the premises sold as upon execution in one entire tract;
5. The Plaintiff shall apply for and the Clerk of the United States District Court shall issue an Order of Sale;
6. The United States Marshal for the District of Nebraska shall thereupon advertise and sell, according to law, the aforementioned property;
7. Upon execution, the United States Marshal shall report his proceedings under this Decree and Order to this Court and shall deposit the proceeds of the sale, if any, into the Registry of the Court;
8. Upon confirmation of the sale, the Clerk shall apply the proceeds as follows:
 - First, to the payment of the costs of the Plaintiff, and to the United States Marshal for service of Summons and Complaint and execution of Order of Sale;
 - Second, to the payment of the amount due the Plaintiff with interest thereupon according to law;
 - Third, to the payment of the amount found due the Defendant Southeast Nebraska Affordable Housing Council, Inc., with interest thereupon according to law;

Fourth, to the payment of the costs of the United States Marshal for per diem and special requirements;

That the Clerk shall retain in the Registry of the Court any surplus from the sale until further order of the Court;

10. The aforementioned costs will be determined, after confirmation of sale, pursuant to the procedures described in Rule 54.1 of the Local Rules of the United States District Court for the District of Nebraska; and
11. Upon confirmation by the Court of the sale of the aforementioned real estate, the United States Marshal shall execute a deed to the purchaser(s); and the parties of this Decree and Order and all persons claiming under them are ordered to deliver possession of the real estate to such purchaser(s).

Dated this 19th day of September, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

Prepared and submitted by:
UNITED STATES OF AMERICA

By: MICHAEL G. HEAVICAN
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And: /s/ Laurie M. Barrett
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Approved as to form and content:

SOUTHEAST NEBRASKA AFFORDABLE
HOUSING COUNCIL, INC., Defendant

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